

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America  
 v. *Rebecca*  
 Alexis Lovato  
 and  
 Cristian Adan Mora-Hernandez

Case No. *21-1036 MJ**Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 22, 2021 in the county of Otero in the  
State and District of New Mexico, the defendant(s) violated:

*Code Section*

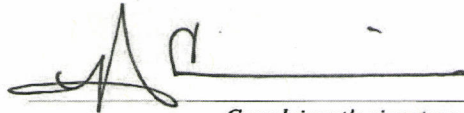
Title 8 U.S.C. 1324 (a)(1)(A)(ii)  
 and  
 (a)(1)(B)(iv)

*Offense Description*

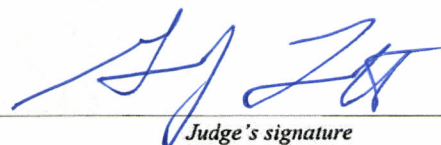
Any person knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; resulting in the death of any person.

This criminal complaint is based on these facts:

see attached affidavit

☒ Continued on the attached sheet.

*Complainant's signature*

April Skinner, HSI Special Agent

*Printed name and title*Sworn to before me *VIA TELEPHONE* and signed in my presence.Date: 7/24/21City and state: Las Cruces, NM

*Judge's signature*

Gregory J. Fouratt, US Magistrate Judge

*Printed name and title*

Affidavit

On July 22, 2021, at approximately 1048 hours, the Otero County Sheriff's Office dispatch received a phone call regarding a U-Haul truck observed on the east bound side of US Highway 70 West in Alamogordo, New Mexico, near mile marker 200. The information received by dispatch advised subjects were running to the U-Haul and were jumping inside the cargo area of the U-Haul. Area law enforcement was notified of the information and began efforts to locate the U-Haul.

At approximately 1145 hours, the Otero County Sheriff's Office dispatch received a call regarding a U-Haul trailer at the Tularosa Travel Center. The reporting party advised several subjects were jumping in and out of the back of a U-Haul.

Tularosa Police Chief Heisinger located and subsequently initiated a traffic stop of the U-Haul at mile marker 101 on Highway 54 North. Heisinger approached the U-Haul and was advised by the driver they needed medical help. Heisinger observed an adult female, sitting in the middle seat of the U-Haul, who appeared to be unresponsive and not breathing. Heisinger began performing CPR on the female subject. Other law enforcement officers arrived on scene and began to assist. The female subject was later pronounced deceased.

Heisinger spoke to the driver of the vehicle, later identified as Alexis Lovato, who said there were additional subjects in the back of the U-Haul. Heisinger opened the back of the U-Haul truck and observed seven (7) subjects.

The subjects told US Border Patrol agents they were citizens of Ecuador and Mexico and present in the United States illegally.

During a post Miranda interview, Lovato said Cristian, identified as Cristian Mora-Hernandez, who was the front seat passenger in the cab of the U-Haul, was providing directions to Lovato as she was driving to pick up the subjects. Lovato said Mora-Hernandez was communicating with another individual via phone calls and text messages regarding the location of the subjects.

Lovato said all subjects were picked up in one location and were inside the cargo area of the U-Haul. Lovato said the female subject was placed in the front cab of the U-Haul after the subjects in the cargo area communicated with Mora-Hernandez via cellular device. The subjects advised Mora-Hernandez the female needed to be placed in the front of the vehicle as she was showing signs of distress.

Lovato told agents that she heard they pay a lot to come here and she was trying to help.

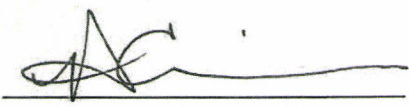
During a post Miranda interview, Mora-Hernandez said he observed a U-Haul truck with the backdoor open and individuals inside. Mora-Hernandez said the individuals appeared to be trying to help a female that was lying on her back. Mora-Hernandez said he had two gallons of water with him and offered the individuals water.

Mora-Hernandez said he doesn't know the female driver but traveled with the driver to provide help. Mora-Hernandez said as they were driving, the subjects in the cargo area of the U-Haul began to hit the wall of the truck asking for help. Mora-Hernandez said he attempted to cool off the female subject by pouring water on her.

Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning the investigation.

I make this affidavit on the basis of my personal knowledge and information furnished to me by other law enforcement officers.

  
United States Magistrate Judge

  
April Skinner, Special Agent